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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STANFORD HOSPITAL & CLINICS and
LUCILE PACKARD CHILDREN'S
HOSPITAL,

Petitioners,

vs.

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 715,

Respondent.

Case No: 5:07-CV-05158-JF

**DECLARATION OF EILEEN R.
RIDLEY IN SUPPORT OF
STANFORD HOSPITAL AND
CLINICS AND LUCILE PACKARD
CHILDREN'S HOSPITAL'S MOTION
TO COMPEL FURTHER RESPONSES
TO DISCOVERY REQUESTS AND
MOTIONS TO COMPEL RESPONSES
TO SUBPOENAS**

Date: August 27, 2008
Time: 9:30 A.M.
Dept: Courtroom 4, 5th Floor

Judge: Hon. Jeremy Fogel
Magis. Judge: Hon. Richard Seeborg

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 715

Petitioner and Counter-
Respondent,

vs.

STANFORD HOSPITAL & CLINICS and
LUCILE PACKARD CHILDREN'S
HOSPITAL

Respondents and Counter-

Case No: 5:08-CV-00213-JF

Judge: Hon. Jeremy Fogel

**DECLARATION OF EILEEN R. RIDLEY IN SUPPORT OF STANFORD HOSPITAL AND CLINICS AND
LUCILE PACKARD CHILDREN'S HOSPITAL'S MOTION TO COMPEL FURTHER RESPONSES TO
DISCOVERY REQUESTS AND MOTIONS TO COMPEL RESPONSES TO SUBPOENAS**

CASE NOS. 5:07-CV-05158-JF, 5:08-CV-00213-JF, 5:08-CV-00215-JF;
5:08-CV-00216-JF; 5:08-CV-01726-JF; 5:08-CV-01727-JF

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Petitioners.	
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715	Case No: 5:08-CV-00215-JF
Petitioner,	
vs.	
STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL	
Respondents.	Judge: Hon. Jeremy Fogel
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715	Case No: 5:08-CV-00216-JF
Petitioner,	
vs.	
STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL	
Respondents.	Judge: Hon. Jeremy Fogel
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715	Case No: 5:08-CV-01726-JF
Petitioner,	
vs.	
STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL	
Respondents.	Judge: Hon. Jeremy Fogel
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715	Case No: 5:08-CV-01727-JF
Petitioner,	
vs.	
STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL	

Respondents.

Judge: Hon. Jeremy Fogel

I, Eileen R. Ridley, declare as follows:

1. I am an attorney at law, licensed to practice in the State of California and before this Court. I am a partner with the law firm of Foley & Lardner LLP, counsel of record for Stanford Hospital & Clinics and Lucille Packard Children's Hospital (the "Hospitals") in the above-captioned cases (the "Cases"). I have personal knowledge of the matters stated herein and, if called to do so, could and would testify of my own personal knowledge to the facts set forth below.

2. Attached hereto as Exhibit A is a document titled Appendix To Stanford Hospital And Clinics and Lucile Packard Children's Hospitals' Motion To Compel Further Responses To Discovery Requests, which sets forth the requests for production and responses that are under dispute along with the Hospitals' arguments pertaining to each pursuant to Civil Local Rule 37-2.

3. On April 21, 2008, the parties filed Joint Case Management Conference Statements ("CMC Statements") in Case Nos. 5:08-CV-00213, 5:08-CV-00215, and 5:08-CV-00216. In the CMC Statements, the Hospitals argued that the legal issues before the Court included whether the Hospitals have no obligation to arbitrate with Local 715 because Local 715 has ceased to exist, and/or that it invalidly attempted to transfer its representational rights to another SEIU Local. The Hospitals indicated that they believed that discovery on these issues would be necessary. True and correct copies of the above-referenced CMC Statements are attached hereto as Exhibit B, C, and D.

4. On April, 26, 2008, the Court held a case management conference ("CMC") on the Cases, which I attended as lead trial counsel for the Hospitals. Bruce

1 Harland of the law firm of Weinberg, Roger & Rosenfeld (the “Weinberg Firm” or
2 “Weinberg”) attended on behalf of Service Employees International Union, Local 715
3 (“Local 715”). During the conference, I argued on behalf of the Hospitals that the Court
4 should allow the Hospitals to conduct discovery on the issues of the continued existence
5 of Local 715, its resources, legal representation provided to Local 715 and Local 715’s
6 capacity as bargaining representative of a bargaining unit of the Hospitals employees (the
7 “Bargaining Unit”). The Court permitted discovery on these issues and set a deadline for
8 the filing of dispositive motions of July 18, 2008. A true and correct copy of the above-
9 referenced hearing is attached hereto as Exhibit E.

10
11 5. On May 13, 2008, I caused requests for production of documents (“RFPs”)
12 to be served by mail on Local 715 in each of the Cases. True and correct copies of the
13 RFPs and proofs of service are attached hereto as Exhibits F, G, H, I, J, and K.

14 6. On May 15, 2008, I executed subpoenas in the Cases to Service Employees
15 International Union, United Healthcare Workers – West (“UHW”). The subpoenas called
16 for the production of documents as described in attachments to the subpoenas and
17 required a response on June 18, 2008. The subpoenas were mailed to the Weinberg Firm
18 as counsel for UHW and were personally served on UHW on May 16, 2008. True and
19 correct copies of the above-referenced subpoenas and proofs of service are attached
20 hereto as Exhibits L, M, N, O, P, and Q.

21 7. On May 15, 2008, I executed subpoenas in the Cases to Service Employees
22 International Union, Local 521 (“Local 521”). The subpoenas called for the production
23 of documents as described in attachments to the subpoenas and required a response on
24 June 18, 2008. The subpoenas were mailed to the Weinberg Firm as counsel for Local
25 521 and were personally served on Local 521 on May 16, 2008. True and correct copies
26 of the above-referenced subpoenas and proofs of service are attached hereto as Exhibit R,
27

1 S, T, U, V, and W.

2
3 8. On May 29, 2008 I received a fax transmission containing a letter from
4 William A. Sokol of the Weinberg Firm on behalf of UHW regarding the subpoenas
5 served on UHW. Mr. Sokol purported to object to the subpoenas on a number of
6 grounds. Among these grounds were claims of privilege or other protection. However,
7 Mr. Sokol did not provide a "privilege log" to support these claims. A true and correct
8 copy of the above-referenced letter is attached hereto as Exhibit X.

9 9. On May 29, 2008 I received a fax transmission containing a letter from
10 Andrea Laiacona of the Weinberg Firm on behalf of Local 521 regarding the subpoenas
11 served on Local 521. Ms. Laiacona's letter was substantially identical to Mr. Sokol's
12 letter and purported to object to the subpoenas on a number of grounds. Among these
13 grounds were claims of privilege or other protection. However, Ms. Laiacona did not
14 provide a "privilege log" to support these claims. A true and correct copy of the above-
15 referenced letter is attached hereto as Exhibit Y.

16 10. Upon review of the May 29, 2008 letters from Mr. Sokol and Ms. Laiacona,
17 I noticed that both letters were actually signed by "BH" who I believed to be Bruce
18 Harland of the Weinberg Firm.
19

20 11. On June 9, 2008, I sent letters to Mr. Sokol and Ms. Laiacona responding to
21 their letters of May 29, 2008. In those letters, I explained that the objections stated in
22 their letters were procedurally improper and substantively without merit. I expressed my
23 willingness to work with their clients to resolve any issues they might have concerning
24 the volume of the production, logistical issues, or issues of expense. True and correct
25 copies of the above-referenced letters are attached hereto as Exhibit Z, and AA.

26
27 12. On June 17, 2008, I received a letter dated June 13, 2008 from Mr. Sokol

1 regarding the subpoena to UHW. Mr. Sokol stated (incorrectly) that the Hospitals had
2 conceded the existence of Local 715, and claimed that the subpoenas were abusive and
3 issued for purposes of harassment. A true and correct copy of the above-referenced letter
4 is attached hereto as Exhibit BB.

5
6 13. Although responses to the subpoenas served on UHW and Local 521 were
7 due on June 18, 2008, no responses have been received by either entity to date.

8 14. On June 27, 2008 I received a letter dated June 26, 2008 from Ms. Laiacona
9 on behalf of Local 521 responding to my letter of June 9, 2008. Ms. Laiacona stated that
10 she "reiterate[d]" her position as stated in her May 29, 2008 letter. She also stated that
11 she believed that the subpoenas were issued in bad faith and for purposes of harassment.
12 A true and correct copy of the above-referenced letter is attached hereto as Exhibit CC.

13
14 15. Responses to the RFPs served on Local 715 were due on June 16, 2008.
15 On the morning of June 16, 2008, I received an e-mail from Bruce Harland on behalf of
16 Local 715 requesting a one (1) week extension of the deadline to respond to the RFPs. A
17 true and correct copy of the above-referenced e-mail is attached hereto as Exhibit DD.

18 16. I responded to Mr. Harland's e-mail on the morning of June 16, 2008 and
19 indicated that the Hospitals would agree to the requested extension, and that, therefore,
20 Local 715's production would be due on June 23, 2008. A true and correct copy of the
21 above-referenced e-mail is attached hereto as Exhibit EE.

22
23 17. On June 23, 2008, I received Local 715's responses to the RFAs including
24 a thirty-four (34) page document production. True and correct copies of the responses
25 and documents are attached hereto as Exhibits FF, GG, HH, II, JJ, and KK. The
26 responses in each case are substantially identical.

1 18. On June 25, 2008, I sent an e-mail to Mr. Harland in which I indicated that
2 the Hospitals found Local 715's responses to the RFPs to be insufficient and incomplete,
3 and that the responses to the subpoenas were insufficient as well. In particular, I pointed
4 out that, although Local 715 raised privileges and other protections in its responses it did
5 not provide a privilege log as required by the Federal Rules of Civil Procedure. I
6 requested that Mr. Harland provide the required privilege log immediately. A true and
7 correct copy of the above-referenced e-mail is attached hereto as Exhibit LL.

8
9 19. On June 27, 2008, having had no response to my earlier correspondence, I
10 sent another e-mail to Mr. Harland requesting that he respond to the issues raised in my
11 earlier correspondence. A true and correct copy of the above-referenced e-mail is
12 attached hereto as Exhibit MM.

13 20. On June 30, 2008, I faxed a letter to Mr. Sokol responding to his June 13,
14 2008 letter and requesting that he provide a complete response to the UHW subpoenas by
15 the end of the week. A true and correct copy of the above-referenced letter is attached
16 hereto as Exhibit NN.

17 21. On June 30, 2008, Scott P. Inciardi, an associate in my office, faxed a letter
18 to Ms. Laiacona responding to her letter of June 27, 2008 letter and requesting that she
19 provide a complete response to the Local 521 subpoenas by the end of the week. A true
20 and correct copy of the above-referenced letter is attached hereto as Exhibit OO.

21
22 22. On June 30, 2008, I received an e-mail from Mr. Harland stating that he
23 was out of the office that day, but would speak to his client and respond to my June 27,
24 2008 e-mail the following day. A true and correct copy of the above-referenced e-mail is
25 attached hereto as Exhibit PP. Mr. Harland sent me an e-mail on July 1, 2008, but it did
26 not address the responses to the RFPs and subpoenas.

23. On July 1, 2008, I sent a letter to Mr. Harland by e-mail and regular mail detailing the Hospitals' position with respect to Local 715's insufficient responses to the RFPs. The letter informed Mr. Harland that, given the impending deadline for dispositive motions, and in order to avoid the necessity of court intervention, the Hospitals needed to receive amended responses by the end of the week. A true and correct copy of the above referenced letter is attached hereto as Exhibit QQ.

24. By the late afternoon of July 1, I had still not heard from Mr. Harland. That afternoon I sent him an e-mail requesting that he respond by 9:00 AM the following morning. Later in the afternoon, I received an e-mail from Mr. Harland in which he claimed that the Hospitals' document requests were "extremely overbroad." Mr. Harland offered to meet and confer with me on July 3, 2008. I agreed to confer with Mr. Harland on that date. We later agreed to hold our conference early in the week of July 7, 2008. True and correct copies of the above-referenced e-mails are attached hereto as Exhibits RR, SS, TT, UU, and VV.

25. Mr. Harland and I conferred telephonically on July 9, 2008. Later that day, I sent Mr. Harland an e-mail summarizing the results of our conference. A true and correct copy of the above-referenced e-mail is attached hereto as Exhibit WW.

26. Attached hereto as Exhibit XX is a sampling of letters and e-mails in the Hospitals' possession between persons purportedly representing Local 715 and persons representing the Hospitals, none of which have been produced by Local 715.

27. Attached hereto as Exhibit YY are documents in the Hospitals' possession reflecting grievances filed on behalf of Bargaining Unit employees on UHW letterhead, none of which have been produced by Local 715.

28. Attached hereto as Exhibit ZZ are printouts from Local 715's website as it

1 appeared in February, 2007. Local 715 has not produced these documents.

2 29. Attached hereto as Exhibit AAA are printouts from Local 521's website as
3 it appeared on or around March 2, 2007. Local 715 has not produced these documents.
4

5 30. Attached hereto as Exhibit BBB are documents in the Hospitals' possession
6 concerning balloting on the "SEIU California Unite To Win Reorganization Plan Vote."
7 Local 715 has not produced these documents.

8 31. Attached hereto as Exhibit CCC are documents issued by the SEIU
9 International that reflect the plan adopted by the SEIU International, which involved
10 merging Local 715 into other SEIU Locals. Local 715 has not produced these
11 documents.
12

13 32. Attached hereto as Exhibit DDD is the LM-2 Report for Local 715 for the
14 period from January 1, 2005 to December 31, 2005. Local 715 has not produced this
15 document, or any of the underlying documents used to generate the LM-2 report.
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17 33. Attached hereto as Exhibit EEE is the LM-2 Report for Local 715 for the
18 period from January 1, 2006 to December 31, 2006. Local 715 has not produced this
19 document, or any of the underlying documents used to generate the LM-2 report.

20 34. Attached hereto as Exhibit FFF are images from the UHW website as it
21 appeared on or around March 28, 2008. Local 715 has not produced these documents.
22

23 35. I have reviewed the time entries in this matter and am familiar with the
24 billable rates of the attorneys who work on these cases. The Hospitals estimate that they
25 have expended and/or will expend (including any appearance at the hearing of this
26 motion) approximately \$12,000 in bringing the motion to compel further responses from
27 Local 715, approximately \$12,000 in bringing the motion to compel responses from Local
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1 521, and approximately \$12,000 in bringing the motion to compel responses from UHW.

2 I declare under penalty of perjury under the laws of the State of California and the
3 United States of America that the foregoing is true and correct.
4

5 Dated: July 11, 2008

FOLEY & LARDNER LLP
LAURENCE R. ARNOLD
EILEEN R. RIDLEY
SCOTT P. INCIARDI

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9 By: /s/
10 EILEEN R. RIDLEY
11 Attorneys for STANFORD HOSPITAL &
12 CLINICS and LUCILE PACKARD
13 CHILDREN'S HOSPITAL
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